

1 THOMAS E. FRANKOVICH (State Bar #074414)  
2 JESSICA A. DAYTON (State Bar #231698)  
3 *A PROFESSIONAL LAW CORPORATION*  
4 2806 Van Ness Avenue  
5 San Francisco, CA 94109  
6 Telephone: 415/674-8600  
7 Facsimile: 415/674-9900

5 Attorneys for Plaintiffs RICHARD STICKNEY,  
6 an individual; and DISABILITY RIGHTS  
7 ENFORCEMENT, EDUCATION SERVICES:  
HELPING YOU HELP OTHERS,  
a California public benefit corporation.

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 RICHARD STICKNEY, an individual; and )  
11 DISABILITY RIGHTS ENFORCEMENT, )  
12 EDUCATION SERVICES:HELPING )  
13 YOU HELP OTHERS, a California public )  
14 benefit corporation, )

15 Plaintiff, )

16 vs. )

17 GIANT CHEF BURGER, INC., a )  
18 California corporation; DEMETRIUS D. )  
19 GASSOUMIS and IRENE K. KIKES, as )  
20 tenants in common, )

21 Defendants. )

22 **CASE NO. C 03 5243 MEJ**

23 **STIPULATION OF DISMISSAL;**

24 **THE CLERK OF COURT SHALL**  
25 **CLOSE THE FILE.**

26 The parties, by and through their respective counsel, stipulate to dismissal of this action  
27 in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the  
28 Mutual Settlement Agreement and Release In Full (“Agreement”), each party is to bear its own  
costs and attorneys’ fees. The parties further consent to and request that the Court retain  
jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511  
U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of  
settlement agreements).

26 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through  
27 their designated counsel that the above-captioned action be and hereby is dismissed with  
28 prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

STIPULATION OF DISMISSAL

This stipulation may be executed in counterparts, all of which together shall constitute one original document.

DATED: 6/16, 2005

THOMAS E. FRANKOVICH,  
*A PROFESSIONAL LAW CORPORATION*

DATED: 6/10, 2005

## LAW OFFICE OF BRUCE ZELIS

By:                   /s/  
                  BRUCE ZELIS  
Attorneys for Defendants GIANT CHEF BURGER,  
INC., a California corporation; DEMETRIUS D.  
GASSOUMIS and IRENE K. KIKES, as tenants in  
common.

## **ORDER**

IT IS HEREBY ORDERED that matter is dismissed with prejudice pursuant to Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the purpose of enforcing the parties' Mutual Settlement Agreement and Release In Full should such enforcement be necessary.

The Clerk of Court shall close the file.

DATE: June 16, 2005

By:

HON. M.  
United States

